

## The Refugee Council submission to the House of Commons Home Affairs Select Committee

The work of the Immigration Directorates (Q4 2015)  
May 2016

### **About the Refugee Council**

The Refugee Council is a human rights charity, independent of government, working to ensure refugees are given the protection that they need, are treated with the respect and understanding that they are entitled to, and that they are assured the same rights, opportunities and responsibilities as other members of society.

### **Contact information**

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1. The Refugee Council welcomes the ongoing scrutiny of the work of the Immigration Directorates and brings to the Committee's attention the following matters in regard to Q4 of 2015.

### **Asylum applications by Eritrean nationals**

2. We welcome the Committee's recommendation in their report *The Work of the Immigration Directorates (Q3 2015)*<sup>1</sup> that the Government should reconsider its country guidance on Eritrea. We are alarmed at the dramatic fall in the proportion of Eritreans being granted some form of protection following an application for asylum in the United Kingdom. While we note that there was a slight increase in the proportion of applications resulting in some form of protection during Q4 2015<sup>2</sup> we share the concerns raised by others regarding the Government's country guidance and the reliance on information from a discredited Danish report.<sup>3</sup>

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<sup>1</sup> Home Affairs Select Committee, Sixth Report of the Session 2015-16, The Work of the Immigration Directorates (Q3 2015), HC772

<sup>2</sup> In Q4 2015 47% of decisions resulted in some form of protection being awarded. This compares to 77% in Q1 2015. Immigration Statistics, October to December 2015, Asylum Tables, as\_02\_q.

<sup>3</sup> The Danish Immigration Service 2014 Fact-Finding Mission Report

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3. In particular, we draw the Committee's attention to the comprehensive review of the country information and guidance written by Dr John Campbell for the Chief Inspector of Borders and Immigration and the Independent Advisory Group on Country Information.<sup>4</sup> In particular, we note his conclusion that:

"it therefore follows that the information contained in the Danish report is not credible. For this reason the Home Office cannot rely upon the Danish report and all references, including all quotations, should be deleted."<sup>5</sup>

We also draw the Committee's attention to the sharp rise in both the number and proportion of successful appeals made by Eritrean nationals against a decision to refuse an asylum application. In Q1 2015, 72 appeals were received from Eritreans, and of the 58 appeals that were determined, 45% were allowed. In the following three quarters of 2015, 1646 appeals were received, and in Q4 2015, 90% of such appeals were allowed.<sup>6</sup>

4. We believe it is unacceptable that the Government is getting so many decisions wrong. Not only does this cost the taxpayer money in defending indefensible decisions in the courts, but it also has an immeasurable impact on those who have come to the UK to seek protection from a regime the UN has said is guilty of "systematic, widespread and gross human rights violations".<sup>7</sup> **We recommend that the Government urgently update their country guidance on Eritrea, recognising the information in the Danish report cannot be relied upon. Furthermore, the Home Office should withdraw any refusals made under the guidance that have not yet had the appeal heard and a new decision should be made.**

### Asylum applications

5. In 2015, 32,414 asylum applications were made.<sup>8</sup> While this is an increase of over 7,000 applications compared to 2014, it is still considerably below the peak of 84,132 applications made in 2002. Additionally, this increase must also be seen in the context of the greatest refugee crisis since the end of the Second World War. According to the UNHCR, 59.5 million people are forcibly displaced from their homes worldwide, and at the end of 2014 there were 19.5 million refugees across the globe.<sup>9</sup>

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<sup>4</sup> Review of UK Home Office Country Information and Guidance – 'Eritrea: National (incl. Military) Service' (version 2.0e, September 2015) and 'Eritrea: Illegal Exit' (Version 2.0e, September 2015.), dated 15 November 2015, <http://icinspector.independent.gov.uk/wp-content/uploads/2016/01/Review-of-Home-Office-CIGs-on-Eritrea-Dec-2015.pdf>

<sup>5</sup> See page 4 of the Review.

<sup>6</sup> Immigration Statistics, October to December 2015, Asylum tables, as\_14\_q. In Q4 2015, 227 appeals made by Eritrean nationals were determined, of which 204 were allowed.

<sup>7</sup> United Nations Human Rights Office of the High Commissioner, *UN Inquiry reports gross human rights violations in Eritrea* <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16054&LangID=E#sthash.p0zEwVnI.dpuf>

<sup>8</sup> Immigration Statistics, October to December 2015, Asylum tables, as\_01

<sup>9</sup> UNHCR, Facts and Figures about Refugees, <http://www.unhcr.org/about-us/key-facts-and-figures.html>  
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6. Furthermore, Britain is far from being Europe's top recipient of asylum applications. In 2015, Germany, Sweden, France, Hungary, Italy and Austria all received significantly more applications than the UK. Britain also receives fewer applications than Belgium and the Netherlands and slightly more than Switzerland and Finland.<sup>10</sup> Between them, Germany (430,700), Sweden (162,900) and Hungary (162,700) received more than half of the applications received by European countries. In comparison, the United Kingdom received just 3% of all claims made in the EU last year.<sup>11</sup> When considering asylum applications per head of population, the UK ranked 17<sup>th</sup> in Europe in 2015.

### Visa applications made by Syrian nationals

7. While we welcome the Government's commitment to resettle 20,000 vulnerable Syrians by the end of the current Parliament, we are very concerned that at the same time, Syrians are being denied access to other routes to enter the UK. In particular, since the start of the Syrian conflict, the acceptance rate for visa applications made by Syrian nationals has dropped significantly. Before the conflict started, over 70% of visa applications made by Syrians were successful. In Q3 2015, this had fallen to just 45%.<sup>12</sup>
8. It is also of note that since March 2012, Syrian nationals transiting the UK en route to another destination have been required to apply for a transit visa.<sup>13</sup> In March 2015 further changes to the immigration rules were made to remove the transit without visa exemption for Syrians with a visa for entry to the USA. This change took effect without the usual 21 days notice "in order to prevent the potential for a significant influx of citizens and nationals of Syria travelling to the United Kingdom during the notice period to claim asylum."<sup>14</sup> **The commitment to resettle 20,000 Syrians by the end of the parliament, while welcome, must be seen alongside the additional barriers the Government is introducing to other routes Syrians might consider using to travel to the UK.**

### Resettlement

9. In the Committee's report *The Work of the Immigration Directorates (Q3 2015)*, praise was given to the Government for fulfilling its pledge on resettling 1,000 Syrians by Christmas 2015. However, just 670 non-Syrian refugees were resettled in the UK either via the Gateway Protection Programme or the Mandate Scheme in 2015.<sup>15</sup> Given that the UNHCR have identified over 1 million refugees worldwide in need of resettlement,<sup>16</sup> **we recommend that the Government expand all of its resettlement programmes, particularly the Gateway Protection Programme.**

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<sup>10</sup> Immigration Statistics, October to December 2015, Asylum tables, as\_07

<sup>11</sup> See the Joint Agency Briefing *A Safe Haven? Britain's role in protecting people on the moves*, 14 April 2016 <http://www.refugeecouncil.org.uk/assets/0003/7446/bn-safe-haven-140416-en.pdf>

<sup>12</sup> Immigration Statistics, October to December 2015, Visa tables, vi\_o2\_q. While the approval rate rose to 72% in Q4 2015, which was almost certainly due to the Supporting Syria conference held in London in February 2016, co-hosted by the UK, Germany, Kuwait, Norway and the United Nations.

<sup>13</sup> House of Commons Hansard Ministerial statements by the Home Department for 13 March 2012, [Transit Visa Requirements \(Syrian, Libyan and Egyptian Nationals\)](#)

<sup>14</sup> [Statement of changes in immigration rules](#), 16 March 2015. See paragraph 3.2 of the explanatory notes.

<sup>15</sup> Immigration Statistics, October to December 2015, Asylum tables, as\_19\_q

<sup>16</sup> UNHCR, UNHCR Refugee Resettlement Trends 2015, <http://www.unhcr.org/559e43ac9.html>  
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## Dublin III statistics

10. When the Immigration Minister, James Brokenshire, appeared before the Committee on 9 February 2016, he said that “DfID is providing support for Greece and in transit to better identify children who may benefit from the Dublin arrangements and be reunified with a family across the EU, because it is reunification on that basis that I think it is appropriate to support.”<sup>17</sup> The commitment to actively identify unaccompanied children in Europe who are eligible for transfer to the UK under the Dublin III Regulation was repeated during debates on the Immigration Act 2016.<sup>18</sup>
11. While this commitment is welcome, we are disappointed that the Home Office has been unable to provide statistical information relating to transfers for family reunion under the Dublin III Regulation. In answer to a number of Written Questions from both Members of Parliament and Members of the House of Lords requesting such information, Ministers have replied that although the information is recorded on the main immigration database, the data is not held in a way that allows it to be reported on automatically.<sup>19</sup> **We recommend that the Home Office regularly publish data regarding the number of transfer requests made under family unity articles of the Dublin III Regulation, and the outcome of those requests. This will allow Parliament to properly scrutinise the Government’s commitment.**

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<sup>17</sup> Q142, Oral evidence: The work of the Immigration Directorates 2015 Q3, HC 772

<sup>18</sup> See, for example, Official Report, House of Commons, 25 April 2016, c1201

<sup>19</sup> See, for example, House of Commons, Written Question 30241

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-03-08/30241/>

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